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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,827	10/30/2003	Giovanni Gambini	163-515	9268

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NEW YORK, NY 10036

EXAMINER

OSELE, MARK A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/697,827

Applicant(s)

GAMBINI, GIOVANNI

Examiner

Mark A Osele

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Singh. The admitted prior art shows that it is known to provide an apparatus for rewinding paper into rolls comprising an unwinding device of at least two plies of paper, an embossing device and a rereeling machine which stops when a log is completed. The admitted prior art also shows that it is known to provide an apparatus for gluing webs together comprising an unwinding device of at least two plies of paper, an embossing device, and a glue applicator between the plies. The admitted prior art teaches that embossed and glued webs are desired by consumers but cannot be produced in a start stop machine.

Singh teaches that the use of a festoon accumulator is preferred for use in an unwinding and rewinding device because the festoon allows continuous unwinding of the web thereby maintaining a constant rate of speed and constant amount of tension in the web (column 3, lines 35-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the festoon accumulator of Singh to the apparatus of the admitted prior art to provide a constant tension on the unwinding

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web. In addition, festoons with a frame and a series of fixed rollers alternating with a series of vertically mobile rollers are conventional in accumulators.

Furthermore, the combination of the admitted prior art with Singh provides an apparatus for rewinding a web on smaller diameter rolls in a continuous process. As the admitted prior art discloses, glued and embossed webs are desirable but can only be accomplished in a continuous process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the glue applicator to the apparatus of the admitted prior art in view of Singh because the gluing step can be inserted into the continuous process thereby producing a product more desirable to consumers.

Regarding claim 3, the location of the embossing rollers and glue applicators would be determined by routine optimization.

Regarding claim 4, the use of independent motors would be obvious to one of ordinary skill in the art because some operations are continuous while others require starting and stopping.

### ***Response to Arguments***

3. Applicant's arguments filed March 2, 2005 have been fully considered but they are not persuasive. Applicant first questions the assertion that festoons with a frame and a series of fixed rollers alternating with a series of vertically mobile rollers are conventional in accumulators. As evidence that this arrangement is conventional, the

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examiner points to the newly cited references to Gatteschi and Clifford et al., each of which shows this arrangement in an accumulator.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant has argued that Singh belies the conclusion that it would have been obvious to add a glue applicator to the apparatus of Singh because the apparatus does not have one. This argument ignores the teaching from the admitted prior art that a gluing step in an embossing process provides a product that is desired by consumers. One of ordinary skill in the art would have considered this teaching when improving the apparatus of Singh.


### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark A. Osele', is positioned above the printed name and title.

**MARK A. OSELE**  
**PRIMARY EXAMINER**

March 24, 2005